

Town Zoning Ordinance
of
The Town of Exmore, Virginia

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With Technical Assistance by:

Accomack-Northampton Planning District Commission
P.O. Box 417
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Exmore Town Zoning Ordinance as duly adopted by the Exmore Town Council in regular session
on June 1, 1995 1995.

Certification: Guy Lawson
Guy Lawson, Mayor

Teste: Roberta King
Roberta King, Clerk

The effective date of this ordinance shall be from and after its adoption by the Exmore Town Council, and its provisions shall be enforced thereafter until repealed or amended.

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Article I - General Provisions

I-1 Purpose and Authority to Zone. Whereas, by act of the General Assembly of Virginia as provided in Title 15.1, Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia, as amended, the governing body of any county or municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape, and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

- A. The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses; and
- B. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures; and
- C. The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; and
- D. The excavation or mining of soil or other natural resources.

Therefore, be it ordained by the governing body of the Town of Exmore, Virginia, for the purpose of promoting the health, safety, and/or general welfare of the public and of further accomplishing the objectives of Section 15.1-427 of the Code of Virginia, that the following be adopted as the zoning ordinance of the Town of Exmore, Virginia, together with the accompanying map. This ordinance has been designed: (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (2) to reduce or prevent congestion in the public streets; (3) to facilitate the creation of a convenient, attractive, and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic, or other dangers; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to promote affordable housing; (9) to protect surface water and ground water; and (10) to be in accord with and to implement the goals, objectives and policies set forth in the Exmore Town Plan, as adopted by the Exmore Town Council.

I-2 Repeal of Conflicting Ordinances. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

I-3 Ordinance Sets Minimum Standards. Whenever the standards set forth in this ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, deed restrictions, covenants, or ordinances, the most restrictive, or that imposing the highest standards shall govern.

I-4 Town Liability. The zoning of any land and the granting of any permit or certificate for the use of land and/or structure shall not be interpreted as a guarantee by the Town of Exmore of the suitability of such land or structure for developing or use.

I-5 Severability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof other than the part so declared to be unconstitutional or invalid.

I-6 Non-exclusionary Intent. It is not the intent of this ordinance to exclude any economic, racial, religious or ethnic group from enjoyment of residence, land ownership or tenancy within the Town; nor is it the intent of this ordinance to use public powers in any way to promote the separation of economic, racial, religious, ethnic groups nor persons with disabilities; nor is it the intent of this ordinance to use public powers in any way to deny anyone the otherwise lawful use of the resources within the Town of Exmore based upon family status, except as may be the incidental result of meeting the purpose outlined in Section I-1, herein.

I-7 Provisions for Official Zoning Map. The boundaries of the zoning districts are shown on the official zoning map of the Town of Exmore, Virginia, which together with all notations, amendments, and explanatory matter thereon are hereby made a part of this ordinance. The official zoning map shall be attested by the signature of the Mayor of the Town, whose signature shall be witnessed, and shall remain on file in the office of the Zoning Administrator and/or Town Hall where it shall be accessible to the general public.

An exact copy of such map shall be filed with the Clerk of the Circuit Court of Northampton County, Virginia.

1-7.1 Changes or Amendments. If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the change has been approved by the Town Council, or no more than ten (10) days after approval. Such changes shall be attested by the initials of the Zoning Administrator and the date of entry. A paper copy of such map or maps shall be maintained in the office of the Zoning Administrator and/or Town Hall.

Changes to this ordinance which involve matters portrayed on the official zoning map shall become effective immediately upon being entered onto the official zoning map or matter shown thereon except in conformity with the procedure set forth in this ordinance.

Any unauthorized change of whatever kind by any person shall be considered a violation

of this ordinance and punishable as provided under Article VII.

I-7.2 Replacement. In the event that any or all of the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may by resolution adopt a new official zoning map. The new official zoning map may correct drafting or other errors, or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be attested by the signature of the Mayor and shall be witnessed. Unless the prior official zoning map or maps have been lost or totally destroyed, the prior map or maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment, if any, of the prior map or maps.

I-7.3 Application and Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.
- B. Boundaries indicated as parallel to or extensions of features indicated in subsection A above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- C. If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the size of the scale shown on the official zoning map.
- D. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals shall hear and decide the exact location of the district line in keeping with the provisions of Article VIII.
- E. Where the exact location of district boundaries is not clear after application of the rules presented, the Board of Zoning Appeals shall hear and decide such questions in accordance with the provisions of Article VIII.

I-8 Application of District Regulations. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or is to be located.
- B. No building shall hereafter be erected, constructed, or altered so as to exceed height or bulk limits, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required.
- C. No new yard or lot shall hereafter be created nor shall any yard or lot existing at the time of enactment of this ordinance be altered so that width, depth, or area requirements; front side, or rear requirements; or other requirements of this ordinance are not maintained, except when a portion of a lot is acquired for public use.
- D. Nothing contained herein shall require any changes in the plans or construction of any building for which a building permit was granted prior to the effective date of this ordinance. However, if such construction does not commence within six (6) months or less after this ordinance becomes effective, construction shall be in conformity with the provisions of this ordinance for the district in which the activity is located.

Article II - Definitions

For the purpose of this ordinance, certain words and terms are defined as follows. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

II-1 Accessory Use or Structure: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. This definition of accessory structure shall include satellite dishes.

II-2 Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

II-3 Administrator, The: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

II-4 Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing plants, dairies, or similar uses.

II-5 Agricultural Lands: Those lands used for the planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock.

II-6 Alteration: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

II-7 Apartment House: A building used or intended to be used as the residence of three (3) or more families living independently of each other.

II-8 Automobile Graveyard: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.

II-9 Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for purposes of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

II-10 Bed and Breakfast House: A dwelling where lodging and breakfast is provided for compensation for up to six (6) persons (in contradistinction to hotels, boarding houses and tourist houses) and open to transients. Up to one person may be hired to assist in the operation of the establishment.

II-11 Best Management Practices (BMPs): A practice, or a combination of practices, that is determined by a state or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

II-12 Boarding House: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

II-13 Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

II-14 Building, Accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

II-15 Building, Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

II-16 Building, Main: The principal structure or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.

II-17 Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.

II-18 Chesapeake Bay Preservation Area (CBPA): Any land designated by the Exmore Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Section 10.1-2107 of the Code of Virginia. A Chesapeake Bay Preservation Area shall consist of a Resource Management Area.

II-19 Child Care Center: A licensed private establishment enrolling six or more children for a least six hours of the 24-hour day for a prearranged compensation, but not including nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.

II-20 Commission, The: The Joint Local Planning Commission of Northampton County, Virginia.

II-21 Construction Footprint: The area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

II-22 Dairy: A commercial establishment for the manufacture and sale of dairy products.

II-23 Development: The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures.

II-24 Diameter at Breast Height (DBH): The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

II-25 District: Districts as referred to in the State Code. Section 15.1-486.

II-26 Dripline: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

II-27 Dump Heap (Trash Pile): Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a state highway, a residence, dairy barn, or food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

II-28 Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, travel trailers, manufactured homes, and mobile homes.

II-29 Dwelling, Multiple-Family: A structure arranged or designed to be occupied by more than one (1) family.

II-30 Dwelling, Single-Family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

II-31 Dwelling, Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

II-32 Dwelling Unit: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.

II-33 Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.

II-34 Frontage: The minimum width of a lot measured from one (1) side line to the other along a straight building setback line as defined as required herein.

II-35 Garage, Private: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.

II-36 Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.

II-37 Golf Course: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

II-38 Golf Driving Range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

II-39 Governing Body: The Town Council of Exmore, Virginia.

II-40 Guest Room: A room which is intended, arranged, or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

II-41 Highly Permeable Soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July, 1983 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soils Conservation Service.

II-42 Historical Area: An area indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.

II-43 Home Garden: A garden in a residential district for the production of vegetables, fruits, and flowers generally for use and/or consumption by the occupants of the premises.

II-44 Home Occupation: Any occupation or profession carried on in a dwelling unit or on the premises thereof, provided that:

- A. No more than one other person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit or twenty-five (25) percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square foot in area, non-illuminated.

- D. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Bed and breakfast houses, boarding and rooming houses, tourist homes and private education institutions, the conducting of a beauty or barber shop with more than two (2) operators, tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, real estate office, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

II-45 Hospital: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums; but in all cases excluding institutions primarily for mental patients, epileptics, alcoholics, or drug addicts (certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein).

II-46 Hospital, Special Care: A special care hospital shall mean an institution rendering care primarily for mental patients, epileptics, alcoholics, or drug addicts.

II-47 Hotel: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

II-48 Hydric Soils: Soils that are wet frequently enough to periodically produce anaerobic conditions thereby influencing the species composition or growth or both of plants in those soils.

II-49 Impervious Cover: A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

II-50 Institutional Use: For the purpose of this ordinance institutional uses shall be defined as those uses that pertain to government or education.

II-51 Junk Yard: An establishment or place of business which is maintained, operated, or used

for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

II-52 Kennel: Any place in which more than three (3) dogs, more than six (6) months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.

II-53 Livestock Market: A commercial establishment wherein livestock is collected for sale and auctioned off.

II-54 Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

II-55 Lot Coverage: The impervious area of any lot or parcel including but not limited to buildings, roads, drives, parking areas, sidewalks, patios, decks, etc.

II-56 Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

II-57 Lot, Depth of: The average horizontal distance between the front and rear lot lines.

II-58 Lot, Double Frontage: An interior lot having frontage on two (2) streets.

II-59 Lot, Interior: Any lot other than a corner lot.

II-60 Lot, Width: The width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.

II-61 Lot of Record: A lot which has been recorded in the Clerk's Office of the Circuit Court.

II-62 Manufacture and/or Manufacturing: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.

II-63 Manufactured Home: A structure constructed to federal standards, transportable in one or more sections, which, in the traveling mode, is eight (8) feet or more in width and is forty (40) or more feet in length, or when erected on site, is three-hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical conditions contained therein. The term "mobile

home," once widely used to describe transportable housing units, has been replaced in the Code of Virginia, Section 36-85.16 et seq., by the term "manufactured home."

II-64 Manufactured Home Park or Subdivision: Any area designed to accommodate two (2) or more manufactured homes intended for residential use where residence is in manufactured homes exclusively.

II-65 Mobile Home: A transportable, factory built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (This definition shall not include motor homes and travel trailers.)

II-66 Motor Home: Every private motor vehicle with a normal seating capacity of not more than ten persons, including the driver, designed primarily for use as living quarters for human beings.

II-67 Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

II-68 Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

II-69 Nonconforming Structure: An otherwise legal building or structure that does not conform with the lot area, yard, height, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

II-70 Nonpoint Source Pollution: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

II-71 Nontidal Wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

II-72 Noxious Weeds: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

II-73 Office: For the purpose of this ordinance offices are defined as a building, room or suite in which services, clerical work, professional duties or the like are carried out.

II-74 Parking Space: A permanently paved area with an all weather surface, enclosed or unenclosed, sufficient in size to store one (1) standard size automobile, together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile.

II-75 Parking Area, Off-Street: Parking (as defined in II-71) space provided for vehicles outside the dedicated street right-of-way.

II-76 Plan of Development: The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia, Section III-9.13, and Article XII of this Zoning Ordinance, prior to any clearing or grading of a site or the issuance of a building permit.

II-77 Public Road: A publicly-owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (Section 10.1-603 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the local government in accordance with the standards of that local government.

II-78 Public Water and Sewer Systems: A water or sewer system owned and operated by the Town of Exmore or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

II-79 Recreational Vehicle: Vehicular-type structure designed as temporary living accommodations for recreation, camping, and travel use. There are four (4) basic types of recreational vehicles travel trailers, motor homes, truck campers, and camping trailers.

II-80 Redevelopment: The process of developing land that is or has been previously developed.

II-81 Required Open Space: Any space required in any front, side, or rear yard.

II-82 Resource Management Area (RMA): That component of the Chesapeake Bay Preservation Area that includes land types that, if improperly used or developed, have the potential for causing significant water quality degradation.

II-83 Restaurant: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises including, among other establishments, cafes, tea rooms, confectionery shops, or refreshment stands.

II-84 Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the

rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.

II-85 Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition includes, but is not limited to, satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

II-86 Sawmill: A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

II-87 Setback: The minimum distance by which any building or structure must be separated from the front lot line.

II-88 Sign: Any display of any letters, words, numerals, figures, device, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

II-88.1 Business. A sign which directs attention to a product, commodity, or service available on the premises.

II-88.2 Home Occupation. A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

II-88.3 General Advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.

II-88.4 Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

II-88.5 Directional. A directional sign which indicates the direction to which attention is called four (4) square feet or less in area, giving the name only of the farm or business responsible for the erection of same, one end of which may be pointed, or on which an arrow may be painted.

II-88.6 Identification. A sign, not exceeding sixteen (16) square feet in area, for the

purpose of showing the name and use of a convent, monastery, seminary, church, country club, sanitarium, cemetery, children's home, orphanage, fraternal organization, hospital, or other similar establishment, when such use is permitted in a residence zone as specified in this article and such sign is erected or displayed on the property as identified.

II-89 Sign Structure: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.

II-90 Sign, Temporary: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land. Temporary signs shall conform in size and type to directional signs.

II-91 Store: See Item II-81, Retail Stores and Shops.

II-92 Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.

II-93 Story, Half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

II-94 Street, Road: A public thoroughfare, except an alley or driveway, which affords principal means of access to abutting property.

II-95 Street Line: The dividing line between a street or road right-of-way and the contiguous property.

II-96 Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

II-97 Tourist Court, Motel, Cabins, or Motor Lodge: One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

II-98 Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.

II-99 Travel Trailer: Vehicular structure mounted on wheels which is designed as temporary living accommodations for recreation, camping, and travel use and can be easily towed by automobile or small truck and does not require special highway movement permits.

II-100 Truck Camper: Portable structure designed to be loaded onto or affixed to the bed or

chassis of a truck. Designed to be used as temporary living accommodations for recreation, camping, and travel use.

II-101 Use, Accessory: A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

II-102 Variance: A variance is a reasonable deviation, granted by the Board of Zoning Appeals, from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk, or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

II-103 Wayside Stand, Roadside Stand, Wayside Market: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

II-104 Wetlands: Nontidal wetlands.

II-105 Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

II-105.1 Front: An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

II-105.2 Rear: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

II-105.3 Side: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Article III - Districts

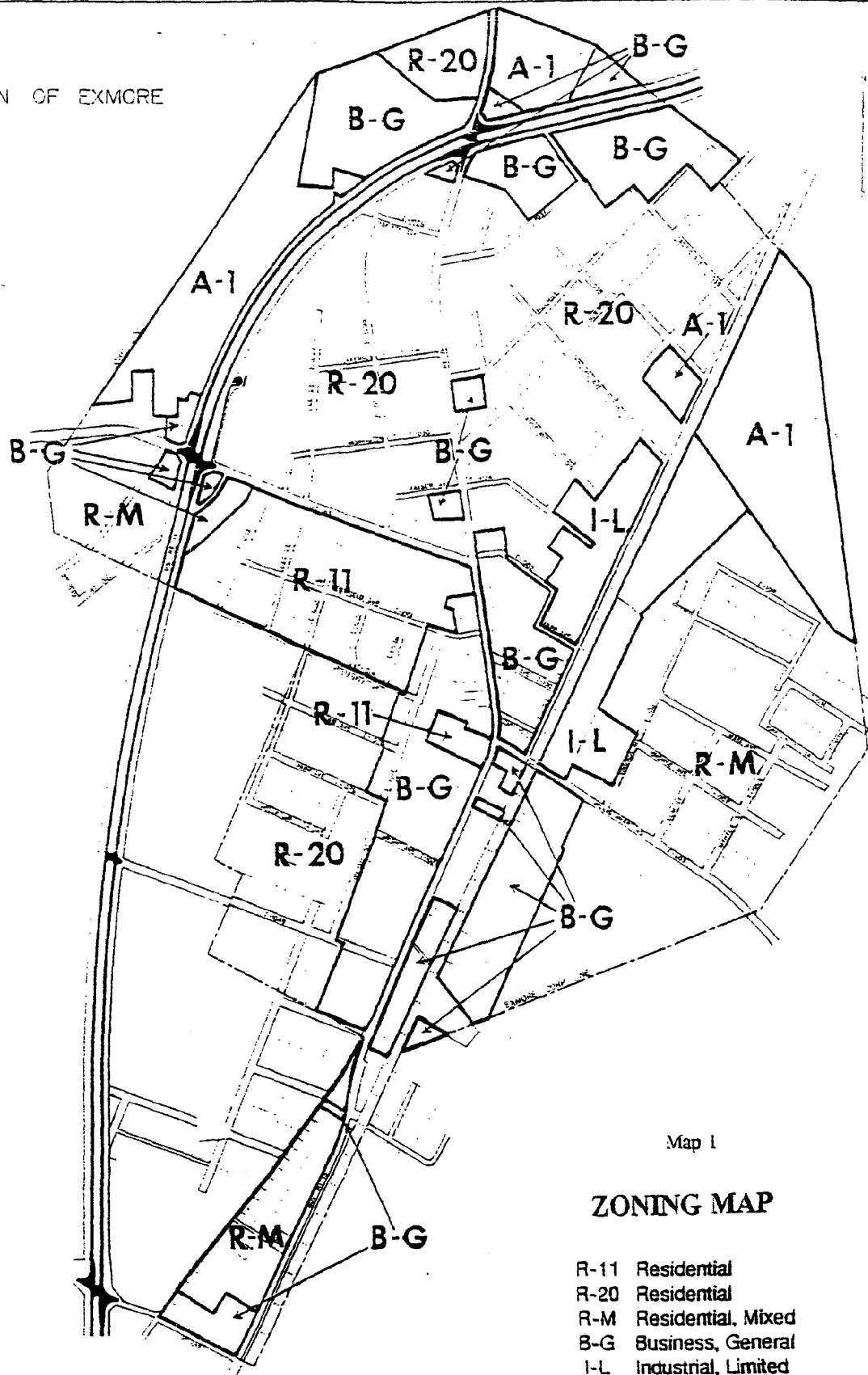
III-1 Enumeration of Districts. For the purpose of this ordinance, the incorporated area of the Town of Exmore, Virginia, is hereby divided into the following districts:

Residential	R-20	page 20
Residential	R-11	page 22
Residential, Mixed	R-M	page 24
Business, General	B-G	page 28
Industrial, Limited	I-L	page 31
Agricultural	A-1	page 33
Chesapeake Bay Preservation Area Overlay District	CBPA	page 38

Locations of these districts can be found on Map 1, page 17, and on Map 2, page 18.

A graphic illustration of lot and yard requirements may be found on Figure 1, page 19.

TOWN OF EXMCRE



Map 1

ZONING MAP

- R-11 Residential
- R-20 Residential
- R-M Residential, Mixed
- B-G Business, General
- I-L Industrial, Limited
- A-1 Agricultural

TOWN OF EXMORE

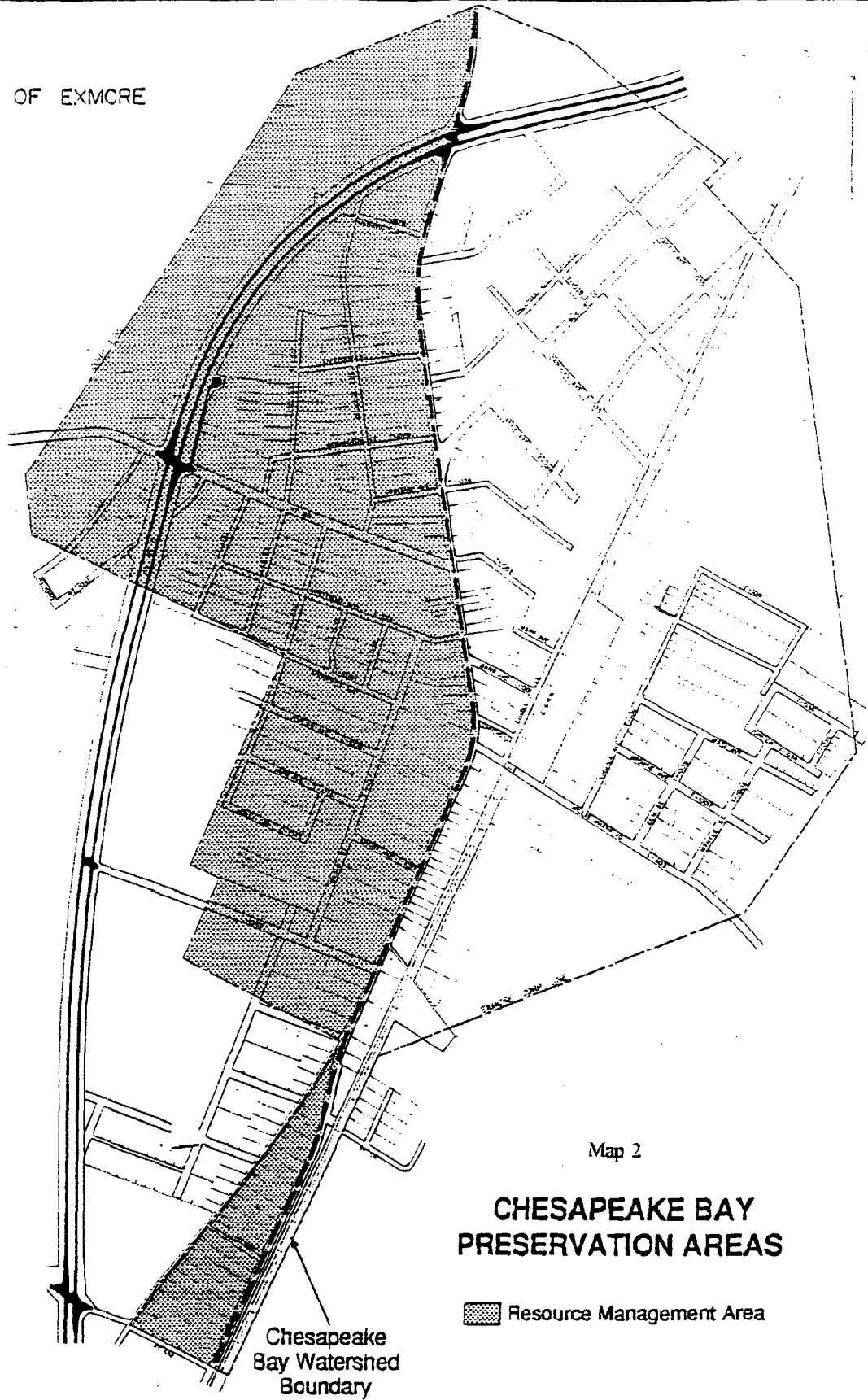


Fig. 1

ILLUSTRATION OF LOT TERMS

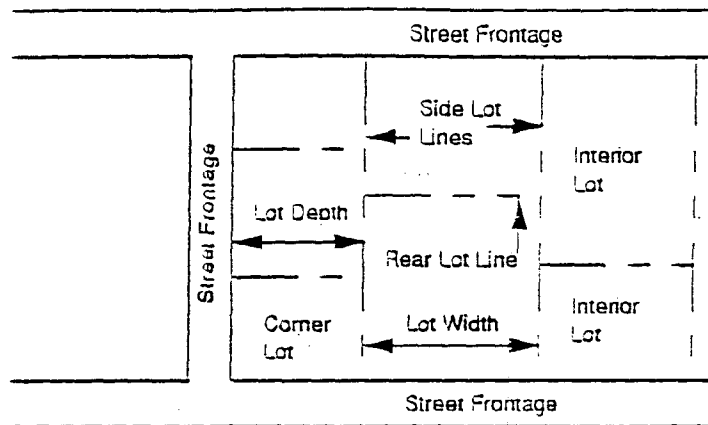
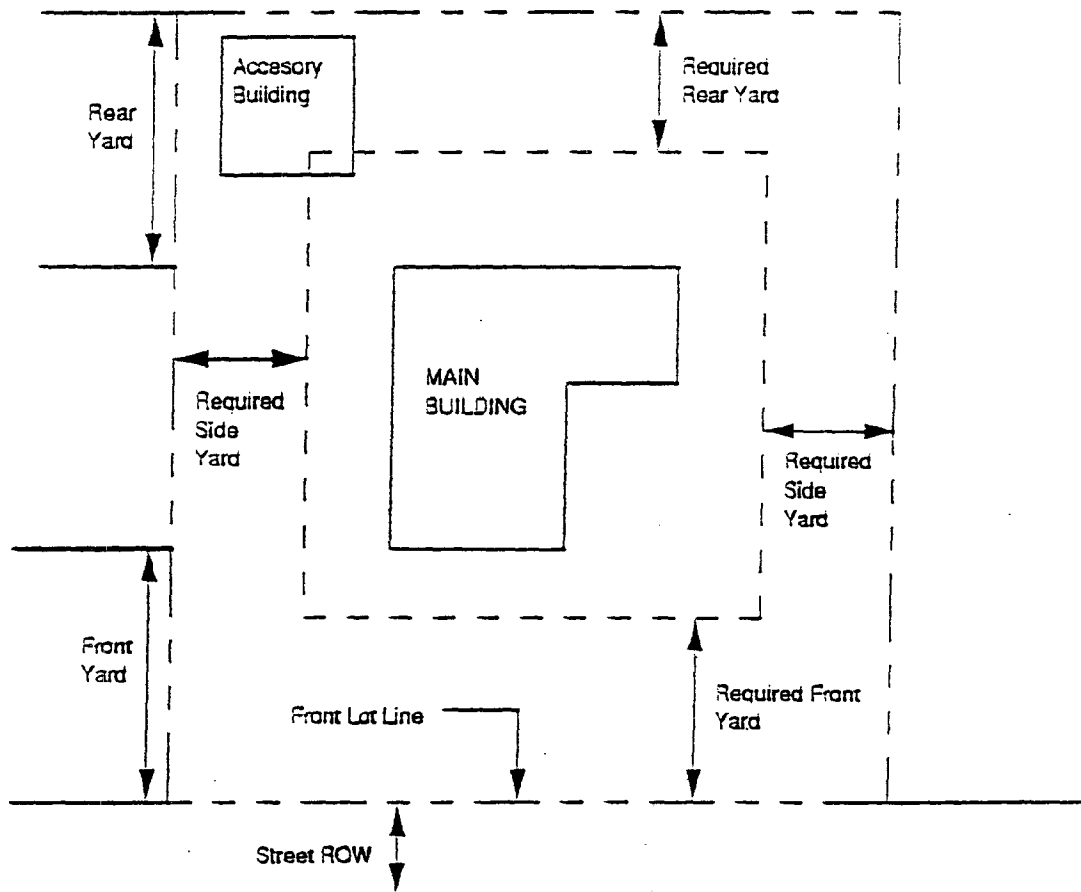


ILLUSTRATION OF REQUIRED YARDS



III-2 Residential District, R-20

III-2.1 Statement of Intent: The R-20 District is intended to provide for suburban density residential development where such development presently exists or where the Town wishes to encourage such development. This area is represented as R-20 on page 18 of the Town of Exmore, Virginia Zoning Ordinance and as Residential on the Future Land Use Map in the Exmore Town Plan.

III-2.2 Permitted Principal Uses and Structures: The following uses and structures shall be permitted as a matter of right in the "R-20" District, subject to the other requirements of this ordinance:

- A. Single-family dwellings, including summer homes, modular and sectional dwellings.
- B. Accessory uses and structures.
- C. Agriculture, including the growing of forest, fruit, field and vegetable crops, but excluding grain dryers, feeder lots, dairy barns, agricultural lagoons, poultry and hog houses and other structures or areas involving the concentrated handling or containment of animals or fowl.
- D. Conservation areas, including wildlife reservations and demonstration forests.
- E. Signs, subject to the provisions of Article IV hereof.
- F. Home occupations, as defined.
- G. Drainage, erosion and flood control structures and devices.
- H. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- I. Churches.
- J. Country Clubs, golf courses, boat landings, swim and tennis clubs.

III-2.3 Special Exceptions: The following principal uses and structures may be permitted as a special use in the R-20 District, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Day Care Centers.
- B. Rehabilitation and Group Homes or Centers.

- C. Public services, facilities such as firehouses, rescue stations, government offices, schools and parks, postal facilities.
- D. Public Utilities: Public water and sewer transmission mains, trunk lines and treatment facilities, including pumping stations, massive or community subsurface drainfields; electrical power transmission and distribution substations and transmission lines and towers, oil and gas transmission lines and substations, unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- E. Funeral homes.
- F. Rooming and Boarding Houses.
- G. Inns, General, and Bed and Breakfast.
- H. Condominiums, subject to Article XIII.

III-2.4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage: Lot coverage in the R-20 district shall not exceed forty (40) percent of the area of the lot.
- B. Minimum Area - None required.
- C. Lot, Minimum Lot Size - Minimum lot size for permitted residential subdivision and dwellings shall be twenty thousand (20,000) square feet.
- D. Lot Width - The minimum lot width shall be eighty feet at the building site.
- E. Yard Requirements, Minimum Setbacks:

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Rt. 13	100 ft.	100 ft.
(2) From other Accessways	60 ft.	60 ft.
(3) Rear Yard (standard & protected coves)	35 ft.	6 ft.
(4) Side Yard	15 ft.	6 ft.

- F. Height, Maximum - The maximum height for dwellings shall be 35 feet.
- G. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be thirty-five feet or more for both primary and accessory structures.

- H. In cases where a home is to be built in an established residential area, the minimum setback of sixty feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

III-2.5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article V hereof.

III-3 Residential District. R-11

III-3.1 Statement of Intent: This residential district and its regulations are intended to protect the essential residential character of the district and to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, large concentrations of traffic, light, dust, odors, smoke and other obnoxious influences. It is the further intent that this district be served with public or central water and sewer systems. This district is represented as Residential on the Future Land Use Map in the Exmore Town Plan.

III-3.2 Principal Permitted Uses and Structures: The following uses and structures shall be permitted as a matter of right in the R-11 District, subject to the other requirements of this ordinance:

- A. Single-family, Modular and Sectional dwellings.
- B. Public Utilities: Poles, lines, transformers, pipes, meters and similar facilities; water and sewer distribution lines.
- C. Home occupations, as defined.
- D. Churches, as defined.
- E. Signs as permitted under Article IV hereof.
- F. Accessory uses and structures.
- G. Drainage, erosion and flood control structures.

III-3.3 Special Exceptions: The following uses shall be permitted in R-11 District, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Day Care Centers and Nurseries.
- B. Public and private schools.

- C. Public Utilities: Public water and sewer transmission mains or trunk lines and treatment facilities, including pumping stations, mass or community subsurface drainfields; electrical power transmission and distribution substations and transmission pipelines and pumping stations, unmanned telephone exchange centers, microwave and radio transmission and relay towers and substations.
- D. Parks and playgrounds, country clubs, golf courses, swim and tennis clubs.
- E. Duplex units.
- F. Mobile homes, individual, with petition signed by all owners of land, lots or parcels within 500 feet of a proposed mobile home site stating no opposition.
- G. Fire and Rescue stations.
- H. Funeral homes.
- I. Cluster development, subject to Article XIII hereof.
- J. Condominiums, subject to Article XIII.

III-3.4 Minimum Area, Lot Size, Lot Width, Setbacks and Height Requirements:

- A. Lot Coverage - Lot coverage in the R-11 District shall not exceed forty (40) percent of the area of the lot.
- B. Minimum Area - None required.
- C. Minimum Lot Size - Minimum lot size for permitted residential subdivisions and dwellings shall be eleven thousand square feet with public or central sewer and water system and twelve thousand (12,000) square feet with either a public or central water or sewer system, but not both.
- D. Lot Width - The minimum lot width shall be eighty (80) feet at the building site, except corner lots which shall have a width of eighty-five feet.
- E. Yard Requirements, Minimum Setbacks

	<u>Primary</u>	<u>Accessory</u>
(1) From U. S. Route 13	100 ft.	100 ft.
(2) From Other Accessways	25 ft.	25 ft.
(3) Rear Yard (standard & protected coves)	30 ft.	6 ft.
(4) Side Yard	10 ft.	6 ft.

- F. Height, Maximum - The maximum height for dwellings shall be thirty-five feet.
- G. Corner Lots - Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets. The side yard on the side facing the side street shall be thirty-five feet or more for both primary and accessory structures.
- H. In cases where a home is to be built in an established residential area, the minimum setback of twenty-five feet may be waived and the setback line may be the average setback of residential structures on either side of the proposed dwelling site.

III-3.5 Off-Street Parking: Off-street parking shall be provided for the uses permitted in keeping with Article V, hereof.

III-4 Mixed Residential District, R-M

III-4.1 Statement of Intent. It is the purpose of this district to provide for the housing needs and tastes of a variety of people. Single-family, detached dwellings will be allowed, as will multi-family dwellings and townhouses in areas where residential development is recommended to occur by the Town of Exmore Town Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote economical and efficient land use, appropriate and harmonious variety in physical development, creative design and a better environment. This area is represented as R-M on page 18 of the Town of Exmore, Virginia, Zoning Ordinance and as Residential on the Future Land Use Map in the Exmore Town Plan.

III-4.2 Principal Permitted Uses and Structures. The following uses shall be permitted subject to all the other requirements of this ordinance as a matter of right in Mixed Residential District (R-M).

- A. Single-Family Dwellings.
- B. Two-Family Dwellings.
- C. Multi-Family Dwellings; not permitted with individual water and sewerage systems.
- D. Accessory Buildings, including satellite dishes.
- E. Schools.
- F. Churches.
- G. Parks and Playgrounds.

H. Home Occupations.

- I. Public Utilities: poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section.

J. Signs as permitted in Article IV.

III-4.3 Special Exceptions. The following uses shall be permitted in Mixed Residential District (R-M), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

A. Manufactured Homes.

1. The governing body may, in its discretion, not consider any application for a Special Use Permit for the location of a manufactured home unless the applicant submits written comments from all the property owners within five hundred (500) feet of the boundary lines of the property upon which the manufactured home is to be located including the property owners across the street or highway. The governing body may require the applicant to submit written comments from additional property owners. This section shall not apply to any application to locate a manufactured home in an approved manufactured home park.
2. The governing body shall not grant a Special Use Permit to locate a manufactured home in Mixed Residential District (R-M) unless the applicant agrees to comply and conform with the following terms, conditions and requirements before the manufactured home is occupied and has obtained a Certificate of Occupancy. The Manufactured Home shall be:
 - (a) Located on the site as outlined in this ordinance;
 - (b) Anchored according to the Northampton County Building Code;
 - (c) Installed with a set of steps at each exit;
 - (d) Approved by the Northampton County Electrical Inspector;
 - (e) Approved by the Northampton County Department of Health;
 - (f) Completely skirted with durable weatherproof material.
3. The manufactured home shall not be occupied before final inspection and the owner or applicant receives a Certificate of Occupancy from the Northampton County building official.
4. If the governing body grants a temporary Special Use Permit the applicant shall agree in writing to remove the manufactured home on or before the period specified in the permit.

5. If the permit is issued, it will be issued subject to the aforesaid conditions, all other conditions required in this ordinance and any other conditions which the governing body may prescribe. If the applicant and/or owner fails to comply with these conditions, the permit shall become null and void, whereupon the manufactured home shall be removed from the premises to a legal location.
- B. Child Care Centers.
 - C. Public service facilities such as firehouses, rescue stations, and government offices.
 - D. Funeral Homes.
 - E. Bed and Breakfast Houses.

III-4.4 - Area and Lot Regulations.

	Minimum Lot Area (Sq. Ft.)	Front Setback (Feet)	Side Setback (Feet)	Rear Setback (Feet)	Height Limit (Feet)	Minimum Lot Width (Feet)
Main Structures	12,000 ⁸	50	8	35	35 ^{4,5,6}	75
Accessory Structures		50	5	5	15	75
Duplex Structures	9,000 ^{1,8}	50	12	35	40 ^{4,5,6}	
	20,000 ^{2,8}	50	12	35	40 ^{4,5,6}	110
	25,000 ^{3,8}	50	12	35	40 ^{4,5,6}	110
Multi-Family Structures	3,600 ^{1,7,8}	50	12	35	40 ^{4,5,6}	140
	5,500 ^{2,7,8}	50	12	35	40 ^{4,5,6}	140
	Not allowed ^{3,8}	--	--	--	--	--
Other	25,000 ⁸	75	20	35	40 ^{4,5,6}	110

¹ With public water and public sewage.

² With public water or public sewage but not both.

³ With individual water and sewage facilities.

⁴ The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

⁵ A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

⁶ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

⁷ Square feet per dwelling unit.

⁸ Lot coverage for all types of R-M development shall not exceed 50% of the area of the lot.

III-5 Business, General District, B-G

III-5.1 Statement of Intent. This district is intended to provide for the conduct of general business which provides convenience, goods and services to Town residents and those people living in close proximity to the Town and which is compatible with adjacent residential uses. This area is represented by B-G on page 18 of the Town of Exmore, Virginia, Zoning Ordinance and as Business on the Future Land Use Map in the Exmore Town Plan.

III-5.2 Principal Permitted Uses and Structures. The following uses shall be permitted by right.

- A. Accessory Buildings.
- B. Professional and Business Offices.
- C. Banks and Lending Institutions.
- D. Fire and Rescue Stations.
- E. Parking Garages and Lots.
- F. Libraries.
- G. Clothes Pressing and Cleaning Shops.
- H. Restaurants, enclosed.
- I. Signs as Permitted under Article IV herein.
- J. Retail Service Stores such as barber shops, beauty parlors, shoe repair shops, hand laundries, laundromats, establishments for receiving and distributing articles for laundering or cleaning, and blue print, photostat and similar reproduction and printing establishments.
- K. Stores for the retail sale or repair (or both) of household appliances, furniture, musical instruments, and sporting goods.
- L. Retail Sales Stores such as antiques and crafts; automobile supplies; books; cigars; clothing and apparel of any kind; dry goods; drugs; garden supplies; gifts; electrical goods and supplies; food and food products of any kind including production of bakery goods for retail sale in the same establishment but not including the killing of poultry or any other livestock; furniture; household furnishing and decorating supplies; hardware; florist goods; luggage and leather goods; office supplies; optical goods; pets and pet supplies but not any veterinary services; photographic equipment and supplies; variety goods; toys; jewelry; music; stationery; newsstand and similar retail establishments.
- M. Public Utilities: Poles, distribution lines, distribution transformers, pipes, meters, and other

facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section.

- N. Radio Broadcasting and Television Stations and Studios.
- O. Theaters (indoor).
- P. Taxicab Stands.
- Q. Virginia ABC Stores.
- R. Health Spa Centers.
- S. Educational Institutions.
- T. Schools of Special Instruction.
- U. Child Care Centers.
- V. Community Centers.
- W. Drainage, Erosion and Flood Control Devices.
- X. Residential Apartments above stores.
- Y. Hotels and Motels.

III-5.3 Special Exceptions. The following uses shall be permitted in Business, General District (B-G), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Automobile Service Stations and Car Wash Facilities.
- B. Bowling Alleys, Roller Skating and Ice Skating Rinks, Billiard Parlors and Pool Rooms, Dance Halls and similar forms of public amusement.
- C. Public Utilities: Public water and sewer transmission main trunk lines and treatment facilities, pumping stations; electrical power transmission and distribution substations and transmission lines and towers; oil and gas transmission lines and substations; unmanned telephone exchange centers, microwave and radio wave transmission and relay towers and substations.
- D. Funeral Parlors, Homes.

E. Craft Industry.

III-5.4 Area Regulations. The minimum lot area for any permitted use shall be unrestricted.

III-5.5 Yard Regulations. The following are the yard regulations for B-G districts:

- A. B-G uses which use a side yard must have a minimum side yard of 10 feet.
- B. B-G uses that are adjacent to a residential district must have a minimum side yard of 10 feet and a minimum rear yard of 20 feet.

III-5.6 Height Regulations. Buildings may be erected to a height of 35 feet and two and one-half (2 1/2) stories, except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aerials are exempt. Parapet walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.
- C. A public or semipublic building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

III-5.7 Access. Each main building shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement.

III-5.8 Lot Coverage. Lot coverage in the B-G District shall not exceed eighty (80) percent of the area of the lot.

III-6 Limited Industrial District, I-L

III-6.1 Statement of Intent. The primary purpose of this district is to permit certain industries which do not in any way detract from residential desirability to locate in any area adjacent to residential uses. The limitations on (or provisions relating to) height of buildings, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. This area is represented by I-L on page 18 of the Town of Exmore, Virginia, Zoning Ordinance and as Industrial on the Future Land Use Map in the Exmore Town Plan.

III-6.2 Principal Permitted Uses and Structures. The following uses and structures shall be permitted by right subject to other provisions herein:

- A. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts such as coils, condensers, transformers, and crystal holders.
- B. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, battery or automotive parts manufacture.
- C. Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- D. Laboratories - pharmaceutical and/or medical.
- E. Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet water, toiletries and food products, and ice manufacture.
- F. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- G. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- H. Building material sales yards, plumbing supplies storage, lumber mills.
- I. Coal and wood yards, lumber yards, feed and seed stores.
- J. Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.

- K. Cabinets, furniture, and upholstery shops.
- L. Boat building.
- M. Monumental stone works.
- N. Veterinary or dog or cat hospitals, kennels.
- O. Wholesale businesses, storage warehouses.
- P. Junk storage.
- Q. Off-street parking as required by this ordinance.
- R. Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and associated facilities, and water and sewerage installations.
- S. General advertising signs.
- T. Location signs.

III-6.3 Special Exceptions. The following uses shall be permitted in Limited Industrial District (I-L), subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the Exmore Town Council.

- A. Gasohol or alcohol manufacturing.
- B. Truck terminals, related repair and servicing.
- C. Moving businesses, including storage facilities.
- D. Assembly of modular building units.

III-6.4 Area Regulations.

- A. There shall be no minimum lot size required, except that which is necessary to satisfy the minimum setback, yard, parking, and individual sewage disposal area requirements in this Ordinance.
- B. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The Planning Commission may recommend, and the Administrator may require, a greater area if considered necessary for

the protection of water quality.

III-6.5 Setback Regulations. The following setback regulation shall apply to all I-L districts: all buildings shall be located 50 feet or more from any street right-of-way.

III-6.6 Yard Regulations. The following yard regulations shall apply in all I-L districts:

- A. Side - Each main building and accessory building shall have side yards of 10 feet or more. Any permitted use adjacent to residential uses shall have a side yard of 50 feet or more. The side yard of corner lots in the I-L district shall be a minimum of 20 feet.
- B. Rear - There are no rear yard requirements for I-L uses, except where permitted uses are adjacent to residential uses when the rear yard must be a minimum of 50 feet.

III-6.7 Height Regulations. Buildings may be erected to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the Administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the height of the buildings on which the walls rest.

III-6.8 Off-Street Parking and Loading Areas. Off-street parking and loading areas shall be provided for in keeping with Article V herein.

III-6.9 Supplemental Regulations. For permitted uses located adjacent to residential uses, a vegetated buffer sufficient for screening and noise reduction shall be required by the Planning Commission. Such buffer shall be neatly trimmed and maintained.

III-6.10 Lot Coverage. Lot coverage in the I-L District shall not exceed seventy (70) percent of the area of the lot.

III-7 Agricultural District, A-1

III-7.1 Statement of Intent. It is the intent of this district to provide appropriate locations for open farm land or wooded land. The regulations for this district are designed to keep the farmland for farming purposes as open land with a minimum of other development. The intent of the district is to restrict general farming activity only as far as it would cause health hazards or excessive annoyance to neighboring residential areas. This area is represented as A-1 on page

18 of the Town of Exmore Zoning Ordinance and as Agricultural on the Future Land Use Map in the Exmore Town Plan.

III-7.2 Principal Permitted Uses and Structures. The following uses and structures shall be permitted by right subject to other provisions herein:

- A. General farming.
- B. Forestry.
- C. Single-family Dwellings.
- D. Public Utilities.
- E. Specialized Animal Raising.
- F. Nurseries and Greenhouses.
- G. Open Space Recreation, Playgrounds, Parks.

III-7.3 Special Exceptions. The following uses shall be permitted in the Agricultural District, A-1, subject to all the other requirements of this ordinance, only upon the obtaining of a Special Use Permit from the governing body.

- A. Manufactured Housing less than nineteen feet in width.
- B. Migrant Farmworker Housing.
- C. Radio and Television Towers.
- D. Churches.
- E. Schools, Kindergartens, Nurseries.
- F. Animal Hospitals and Veterinary Offices.

III-7.4 Area Regulations. The minimum lot area for any permitted use shall be one (1) acre.

III-7.5 Setback Regulations. All structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need

be set back more than the average of the setbacks of the two adjacent structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback. This shall be known as the "setback line." On corner lots, the structures shall be set back thirty-five (35) feet from both streets.

III-7.6 Frontage Regulations. For permitted uses, the minimum lot width at the setback line shall be one-hundred (100) feet.

III-7.7 Yard Regulations. For permitted uses the minimum side yard shall be thirty (30) feet.

III-7.8 Height Regulations. Buildings may be erected to a height of 35 feet and two and one-half (2 1/2) stories, except that:

- A. Public utility structures, church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, residential television antennae and residential radio aeriels are exempt. Paraper walls may be up to 4 feet above the height of the building on which the walls rest.
- B. Accessory buildings shall be limited to two (2) stories in height and any accessory building over one (1) story in height shall be at least ten (10) feet from any lot line.

III-7.9 Access. Each building shall front on a dedicated public street or a thirty-four (34) foot minimum width access easement.

III-8 Height, Setback, Density, and Intensity Regulations

Except as otherwise specifically provided in this ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance as specified herein; and no structure shall be erected or maintained which exceeds the height limit as specified herein; and no development, use or structure shall exceed the density and intensity limits as specified herein. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Minimum lot width shall be measured at the front setback line.

III-8.1 Schedule of Height, Placement, Land Use Density and Intensity Regulations

<u>Zone</u>	<u>Minimum Lot Area (Sq. Ft.)</u>	<u>Front Setback (Feet)</u>	<u>Side Setback (Feet)</u>	<u>Rear Setback (Feet)</u>	<u>Height Limit (Feet)</u>	<u>Minimum Lot Width (Feet)</u>
R-M						
Main Structures	12,000	50	8	35	35 ^{4,5,6}	75
Accessory Structures		50	5	5	15	75
Duplex Structures	9,000 ¹	50	12	35	40 ^{4,5,6}	
	20,000 ²	50	12	35	40 ^{4,5,6}	110
	25,000 ³	50	12	35	40 ^{4,5,6}	110
Multi-Family Structures	3,600 ^{1,9}	60	12	35	40 ^{4,5,6}	140
	5,500 ^{2,9}	60	12	35	40 ^{4,5,6}	140
	Not allowed ³	—	—	—	—	—
Other	25,000	75	20	35	40 ^{4,5,6}	110
Accessory Structures	50	5	15			100
B-G	None	20	10	None	35 ^{4,5,6}	100
I-L	None	50	10 ⁸	None ¹⁰	35 ⁷	
A-1	43,560	35	30	None	35	

¹ With public water and public sewage.

² With public water or public sewage but not both.

³ With individual water and sewage facilities.

⁴ The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is ten (10) feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

⁵ A public or semipublic building such as a school, church, library, or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

⁶ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennas, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

⁷ In the I-L District approval may be obtained from the Administrator for buildings over 35 feet in height.

⁸ For any permitted use adjacent to residential uses the side yard shall be 50 feet or more. The side yard of corner lots in I-L District shall be a minimum of 20 feet.

⁹ Square feet per dwelling unit.

¹⁰ For any permitted use adjacent to residential uses the rear yard shall be a minimum of 50 feet.

III-9 Chesapeake Bay Preservation Area Overlay District. CBPA

III-9.1 Title. This district shall be known and referenced as the "Chesapeake Bay Preservation Area Overlay District" of the Town of Exmore, Virginia.

III-9.2 Findings of Fact. The Chesapeake Bay and its tributaries constitute one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the Town of Exmore and the Commonwealth of Virginia. The health of the Bay is vital to maintaining the Town of Exmore's economy and the welfare of its citizens.

The Chesapeake Bay waters have been degraded significantly by many sources of pollution, including nonpoint source pollution from land uses and development. Existing high quality waters are worthy of protection from degradation to guard against further pollution. Certain lands that are proximate to shorelines have intrinsic water quality value due to the ecological and biological processes they perform. Other lands have severe development constraints from flooding, erosion, and soil limitations. With proper management, they offer significant ecological benefits by providing water quality maintenance and pollution control, as well as flood and shoreline erosion control. These lands together, designated by the Exmore Town Council as Chesapeake Bay Preservation Areas (hereinafter "CBPAs"), which include Resource Protection Areas (hereinafter "RPAs") and Resource Management Areas (hereinafter "RMAs"), need to be protected from destruction and damage in order to protect the quality of water in the Bay and consequently the quality of life in the Town of Exmore and the Commonwealth of Virginia.

III-9.3 Authority. This Article is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.1-489, of the Code of Virginia. Section 15.1-489 states that zoning ordinances may "also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-44.85 (8)."

III-9.4 Conflict with Other Regulations. In any case where the requirements of this Article conflict with any other provision of the Town of Exmore Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

III-9.5 Definitions. The words and terms used in the Overlay District have the meanings which are defined in Article II, Definitions, of the Town of Exmore Zoning Ordinance, unless the context clearly indicates otherwise.

III-9.6 Purpose and Intent.

- A. This ordinance is enacted to implement the requirements of Section 10.1-2100 et seq. of the Code of Virginia (The Chesapeake Bay Preservation Act) as part of the Town of Exmore Zoning Ordinance. The intent of the Exmore Town Council and the purpose of the Overlay District is to: (1) protect existing high quality state waters; (2) restore all

other state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them; (3) safeguard the clean waters of the Commonwealth from pollution; (4) prevent any increase in pollution; (5) reduce existing pollution; and (6) promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the Town of Exmore.

- B. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the Zoning Ordinance. Unless otherwise stated in the Overlay District, the review and approval procedures provided for in the Town of Exmore Zoning Ordinance Article XII, Site Plan Requirements, the Northampton County Erosion and Sediment Control Ordinance, and the Northampton County Building Code, including all grading permits and building permits, shall be followed in reviewing and approving development, redevelopment, and uses governed by this Article.

III-9.7 Application of CBPA District.

- A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as CBPAs as designated by the Exmore Town Council and as shown on the Town of Exmore Chesapeake Bay Preservation Area Map as the Chesapeake Bay Preservation Area Overlay District. The Chesapeake Bay Preservation Area Overlay District is composed of a Resource Management Area.
- (1) Resource Management Areas are generally composed of the following land categories: highly permeable soils, nontidal wetlands, and hydric soils.
 - (2) The Resource Management Area consists of all land in Exmore located within the Chesapeake Bay Watershed.
- B. The Town of Exmore Chesapeake Bay Preservation Area Map shows the general location of CBPAs and should be consulted by persons contemplating activities within the Town of Exmore prior to engaging in a regulated activity.

III-9.8 Use Regulations. Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

III-9.9 Lot Size. Lot size shall be subject to the requirements of the underlying zoning district(s).

III-9.10 Required Conditions.

- A. A water quality impact assessment shall be required for any proposed development within RMAs when required by the Zoning Administrator because of the unique characteristics of the site or intensity of development, in accordance with the provisions of Section III-8.12, Water Quality Impact Assessment, of this Article.
- B. All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to a plan of development process, in accordance with Section III-8.13, Plan of Development Process, of this Article.

III-9.11 Performance Standards.

- A. Purpose and Intent.

The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxics, and maximize rainwater infiltration. Natural ground cover, especially woody vegetation, is most effective in holding soil in place and preventing site erosion. Indigenous vegetation, with its adaptability to local conditions, filters stormwater runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces stormwater runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development; achieve a 10% reduction in nonpoint source pollution from redevelopment; and achieve a 20% reduction in nonpoint source pollution from agricultural uses.

- B. General Performance Standards for Development and Redevelopment.

- (1) Land disturbance shall be limited to the area necessary to provide for the desired use or development.
 - a. In accordance with an approved site plan, the limits of land disturbance, including clearing or grading shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.
 - b. Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the Zoning Administrator.
- (2) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development permitted and in accordance with the Virginia Erosion and Sediment Control Handbook.

- a. Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the Zoning Administrator.
 - b. Impervious cover shall not exceed eighty (80) percent of the site.
 - c. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected 5 feet outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- (3) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development permitted.
- (4) Notwithstanding any other provisions of this Article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drainfields, shall comply with the requirements of the Northampton County Erosion and Sediment Control Ordinance.
- (5) All on-site sewage disposal systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five years, in accordance with the provisions of the Northampton County Health Code.
- (6) A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided, in accordance with the Northampton County Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local Health Department. Building or construction of any impervious surface shall be prohibited on the area of all sewage disposal sites or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board, until the structure is served by public sewer.
- (7) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the following:
- a. For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay watershed (0.45 pounds of phosphorous per acre per year);
 - b. For redevelopment sites, the nonpoint source pollution load shall be reduced by at least 10 percent. The Zoning Administrator may waive or

modify this requirement for redevelopment sites that originally incorporated best management practices for stormwater runoff quality control, provided the following provisions are satisfied:

1. In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load.
 2. Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution;
 3. If best management practices are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The Zoning Administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement may be required to ensure compliance with this Article.
- c. For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data is available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.
- (8) Prior to initiating grading or other on-site activities on any portion of a lot or parcel, all wetlands permits required by federal, state, and local laws and regulations shall be obtained and evidence of such submitted to the Zoning Administrator, in accordance with Section III-8.13, Plan of Development Process, of this Article.
- (9) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation plan. Such plan shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this ordinance. Such a plan shall be approved by the local Soil and Water Conservation District by **January 1, 1995.**

III-9.12. Water Quality Impact Assessment.

A. Purpose and Intent.

The purpose of the water quality impact assessment is to identify the impacts of proposed

development on water quality and lands within Resource Management Areas if deemed necessary by the Zoning Administrator to ensure that, where development does take place it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of sensitive lands; to protect individuals from investing funds for improvements proposed for location on lands unsuited for such development because of high ground water, erosion, or vulnerability to flood and storm damage; and specify mitigation which will address water quality protection.

B. Water Quality Impact Assessment Required.

A water quality impact assessment, to be submitted during the plot plan, site plan and/or subdivision review process, is required for any proposed development or redevelopment within an RMA unless waived by the Zoning Administrator when it is apparent that the unique characteristics of the site (such as the topography, soils, groundcover, and location of wetlands) will prevent the proposed development from causing a degradation of water quality.

C. Contents of a Water Quality Impact Assessment.

The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with this Article. The information required in this section shall be considered a minimum. the Zoning Administrator may determine that additional information is necessary due to the nature and scope of the proposed use and development of land. The impact statement shall be prepared by qualified persons acting within the limits of their professional expertise and license, and shall include the following:

- (1) Type of paving material; areas of clearing or grading; and the location of any structures, driveways and other impervious cover.
- (2) Type and location of proposed stormwater management facilities and best management practices necessary to comply with performance standards for stormwater management contained in Section III-8.11.B(7).
- (3) Calculation of pre- and post-development pollutant loading in accordance with Section III-8.11.B(7).
- (5) Identification and status of any required wetlands permits from federal, state or local agencies.
- (6) An erosion and sediment control plan in accordance with the requirements of Northampton County's Erosion and Sediment Control Ordinance.
- (7) A narrative describing the site; the impacts of the proposed development on topography, soils, hydrology and geology; and the measures taken to mitigate nonpoint source pollution.

D. Evaluation Procedure.

- (1) Upon the completed review of a water quality impact assessment, the Zoning Administrator will determine if any proposed modification or reduction to the buffer area is consistent with the purpose and intent of this Article or if the proposed development is consistent with the purpose and intent of this Article. The Zoning Administrator will make a finding based on the following criteria in conjunction with Section III-9.13:
 - a. The development, as proposed, meets the purpose and intent of this Article;
 - b. Proposed erosion and sediment control devices are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
 - c. Proposed stormwater management facilities and practices are adequate to control the stormwater runoff to achieve the required standard for pollutant control;
 - d. The development will not result in unnecessary destruction of plant materials on site;
 - e. The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (2) The Zoning Administrator may request review of the water quality impact assessment by the Chesapeake Bay Local Assistance Department (CBLAD). Any comments by CBLAD will be considered by the Planning Commission provided that such comments are provided by CBLAD within thirty (30) days of the request.

III-9.13. Plan of Development Process. Any development or redevelopment exceeding 2,500 square feet of land disturbance shall be accomplished by a plan of development process prior to any clearing or grading of the site or the issuance of any building permit, to assure compliance with all applicable requirements of this Article. There shall be two levels of plan of development process: a Level I Plan of Development process and a Level II Plan of Development process.

A. Level I Plan of Development Process.

(1) Required Information.

A minor plan of development process pertains to individual single-family dwellings or accessory structures for single-family residences within CBPAs.

A Level I Plan of Development Process shall include a plot plan for primary structures, additions to such structures, and accessory structures which shall be submitted to the Zoning Administrator. At a minimum, the plot plan shall be drawn to scale and contain the following:

- a. A boundary survey of the site (if available) or site drawing showing the north arrow and property line measurements.
- b. Area of the lot/parcel.
- c. Location, dimensions and use of proposed and existing structures including marine and temporary structures. In the case of temporary structures, the date when the structures will be removed must be indicated.
- d. Location of all building restriction lines, setbacks, easements, covenant restrictions and right of ways.
- e. Dimensions and location of all driveways, parking areas or any other impervious surfaces.
- f. Location of all existing and proposed septic tanks and drainfield areas including reserve areas and the location of all existing and proposed wells.
- g. Limits of clearing and grading.
- h. Specifications for the protection of existing trees and vegetation during clearing, grading and all phases of construction.
- i. Location of the limits of Resource Management Area (RMA) boundary.
- j. Location of all erosion and sediment control devices.
- k. Amount of impervious surface proposed for the site. (If post-development impervious surface will cover less than 16% of the site, the Zoning Administrator may waive the requirements for a stormwater management plan).

(2) Level I Plan of Development Process Administration.

The Zoning Administrator shall review and approve or disapprove plot plans in accordance with Article XII, Site Plan Requirements, of this Ordinance.

B. Level II Plan of Development Process.

(1) Required Information.

In addition to the requirements of Article XII, Site Plan Requirements, of this Zoning Ordinance the Level II Plan of Development Process shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the Zoning Administrator. The Zoning Administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans or studies shall be submitted, unless otherwise provided for:

- (a) A site plan in accordance with the provisions of Article XII, Site Plan Requirements, of this Zoning Ordinance;
 - (b) A stormwater management plan;
 - (c) An erosion and sediment control plan in accordance with the provisions of Northampton County's Erosion and Sediment Control Ordinance.
- (2) Stormwater Management Plan.

A stormwater management plan shall be submitted as part of the plan of development process required by this Article and in conjunction with site plan or subdivision plan approval.

- (a) Contents of the Plan.

The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this Article. At a minimum, the stormwater management plan must contain the following:

- 1. Location and design of all planned stormwater control devices;
- 2. Procedures for implementing non-structural stormwater control practices and techniques;
- 3. Pre- and post-development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations, such as those in the Local Assistance Manual;
- 4. For facilities, verification of structural soundness, including a Professional Engineer or Class IIIB Surveyor Certification;

- (b) Site specific facilities shall be designed for the ultimate

development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.

- (c) All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Local Assistance Manual, Virginia Erosion and Sediment Control Handbook, Virginia Department of Transportation Drainage Manual, or any other good engineering methods deemed appropriate by the Zoning Administrator.
- (d) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the Town of Exmore, then a maintenance agreement shall be executed between the responsible party and the Town of Exmore.

(3) Erosion and Sediment Control Plan.

An erosion and sediment control plan shall be submitted that satisfies the requirements of this Article and in accordance with the Northampton County Erosion and Sediment Control Ordinance, in conjunction with site plan or subdivision plan approval.

(4) Final Plan.

Final plans for property within CBPAs shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in Article XII, Site Plan Requirements, of this Zoning Ordinance.

- (a) Final plans for all lands within CBPAs shall include the following additional information:
 - 1. All wetlands permits required by law;
 - 2. A maintenance agreement as deemed necessary and appropriate by the Zoning Administrator to ensure proper maintenance of best management practices in order to continue their functions.

(b) Installation and Bonding Requirements.

1. Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.
2. When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to the Town of Exmore a form of surety satisfactory to the Zoning Administrator in amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or other specifications and/or maintenance costs for any required stormwater management facilities.
3. All required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety may be forfeited to the Town of Exmore.
4. All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement, unless a six (six) month extension has been granted by the Administrator. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the Town of Exmore. The Town of Exmore may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
5. After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the Zoning Administrator such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The Zoning Administrator may require a certificate of substantial completion from a Professional Engineer or Class III B Surveyor before making a final inspection.

(5) Administrative Responsibility.

Administration of the plan of development process shall be in accordance with Article XII, Site Plan Requirements, of this Zoning Ordinance.

(6) Denial of Plan, Appeal of Conditions or Modifications.

In the event the final plan or any component of the plan of development process is disapproved and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision to the Planning Commission. In granting or denying an appeal, the Planning Commission must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this Article. If the Planning Commission finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

III-9.14 Exemptions.

A. Exemptions for Utilities, Railroads, and Public Roads.

1. Construction, installation, operation, and maintenance of electric, gas, and telephone transmission lines, railroads, and public roads and their appurtenant structures, including sidewalks and lighting, in accordance with (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above state requirements will be exempt from the Overlay District requirements. The exemption of public roads is further conditioned on the following:

- a. Optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize adverse effects on water quality;
- b. Public roads as defined in Section II of this article are exempt from Overlay District requirements.

B. Construction, installation, and maintenance of water, sewer, and local gas lines shall be exempt from the Overlay District provided that:

1. No more land shall be disturbed than is necessary to provide for the desired utility

installation;

2. All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
3. Any land disturbance exceeding an area of 2,500 square feet complies with all Northampton County erosion and sediment control requirements.
4. Exemptions for Forestry Activities.

Forestry activities are exempt from the requirements of this Article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Department of Forestry in its "Best Management Practices Handbook for Forestry Operations."

III-9.15 Exceptions.

- A. A request for an exception to the requirements of this Overlay District shall be made in writing to the Zoning Administrator. It shall identify the impacts of the proposed exception on water quality and on lands within the RMA through the performance of a water quality impact assessment which complies with the provisions of Section III-8.13.
- B. The Zoning Administrator shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article if the Zoning Administrator finds:
 - (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this Article to other property owners in the Overlay District;
 - (2) The exception request is not based upon conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
 - (3) The exception request is the minimum necessary to afford relief;
 - (4) The exception request will be in harmony with the purpose and intent of the Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

- C. If the Zoning Administrator cannot make the required findings or refuses to grant the exception, the Zoning Administrator shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant, with a copy to the Board of Zoning Appeals. The applicant may then apply to the Board of Zoning Appeals for a variance as provided in Article IX, Provisions for Appeal.
- D. The Board of Zoning Appeals shall consider the water quality impact assessment and the findings and rationale of the Zoning Administrator in determining consistency with the purpose and intent of this Article.

Article IV - Sign Regulations

IV-1 Statement of Purpose. The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the Town, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of outdoor advertising.

IV-2 Signs and Flags Permitted by Right in any District.

- IV-2.1. Memorial tablets or signs.
- IV-2.2. Signs required to be maintained by law or governmental order, rule, or regulation, with a total surface area not exceeding ten (10) square feet on any lot or parcel.
- IV-2.3. Signs which are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.
- IV-2.4. Flags or emblems of civic, governmental, philanthropic, educational, or religious organizations, and corporate designed flags.
- IV-2.5. Signs displayed for the direction or convenience of the public, including signs which identify rest rooms, location of public telephones, freight entrances, no trespassing and posted signs, or the like not exceeding a total area of eight (8) square feet per sign.
- IV-2.6. Signs placed by a public utility showing the location of underground facilities.
- IV-2.7. Church bulletin board and identification signs with a total surface area not

exceeding thirty (30) square feet per sign.

IV-2.8. Home occupation signs with a total surface area not exceeding four (4) square feet per sign.

IV-2.9. Signs advertising the sale or rent of the specific premises where the sign is located.

IV-2.10. Signs or a combination of letters may be attached to a building or structure, where business is conducted on the premises, for the purpose of advertising and displaying the name, address, and/or a business slogan, of the specific business.

IV-2.11. Four signs not exceeding six (6) square feet advertising only the price of a product provided the sign is attached to a permanent structure on the specific premises where the business is located.

IV-2.12. Temporary signs with special permission from the Zoning Administrator.

IV-2.13. In any district, except in R-20, R-11, or R-M, one (1) of the following business signs options shall be permitted by right only on the specific premises where the business is located, subject to other applicable provisions of this Article.

A. One (1) sign which shall not exceed thirty-two (32) square feet.

B. Two (2) signs which shall not exceed sixteen (16) square feet.

All signs shall be of balanced proportions and symmetrical in shape. All signs and the surrounding area shall be maintained in a neat and orderly manner.

IV-3 Sign Permits. Except for signs permitted in Section IV-2 of this ordinance, it shall be unlawful to erect, locate, establish, display, or paint on a structure any size or type of outdoor sign or billboard anywhere within the jurisdiction of the Town of Exmore, Virginia without first obtaining a Sign Permit from the Zoning Administrator. No such permit shall be issued unless a fee of two dollars is paid therefor, and unless the proposed sign conforms to the requirements of this ordinance.

IV-3.1. Before any permit is granted for the erection of a sign, plans and specifications shall be filed with the Northampton County building official showing the dimensions, type of materials, and the details of construction including anchorage. The applicant shall also comply with all other requirements of the Northampton County Building Code.

- IV-3.2. Any person, firm, or corporation who was operating a business in Residential Districts R-11, R-20, or R-M prior to the effective date of this ordinance and who may desire to erect any additional signs shall apply for a Special Use Permit.

IV-4 Setback Requirements. Signs shall be located fifteen (15) feet or more from any highway or street right of way, and this shall be known as the "setback line." There shall be excepted from this setback regulation business signs advertising the sale or rent of the premises, which may be erected up to the property line.

IV-5 Height Regulations. Signs shall not exceed a height of 20 feet above ground level or the street to which it is oriented, whichever is higher, without a Special Use Permit from the Town Council.

IV-6 General Regulations.

- IV-6.1. Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half (2 1/2) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- IV-6.2. No sign will be erected which imitates or resembles any official traffic sign, signal or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway.
- IV-6.3. No sign will be erected which advertises any activities which are illegal under State or Federal law or regulations in effect at the location of such sign or at the location of such activities.
- IV-6.4. No sign will be erected which is inconsistent with State law or the provisions of this ordinance.
- IV-6.5. No sign will be erected which involves noise, motion or rotation of any part of the structure or displays intermittent or flashing lights, without a Special Use Permit from the governing body.

IV-7 Flag and Pennant Regulations. It shall be unlawful to display, post, erect, place, or maintain any type of pennants or flags anywhere in the various Districts except as permitted in Section IV-2.4 of this Article.

IV-8 Nonconforming Signs. Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance. Such nonconforming signs shall comply in all respects with the requirements of

Article VI relating to nonconforming uses.

If such nonconforming sign is destroyed, demolished, or removed due to any reason, it shall not be replaced without complying with all provisions of Article IV.

Article V - Off-Street Parking

V-1 Statement of Intent. The schedule below shall control the provision of parking spaces in the various Town zoning districts. The purpose of off-street parking provisions is to insure adequate access to any part of the Town by fire and emergency medical services, and to promote the economic well-being of the Town by creating a pleasant shopping climate.

V-2 Parking Space Size. Parking space size shall be a maximum of 162 square feet with a width of 9 feet and a length of 18 feet and a minimum of 91 square feet with a width of 7 feet and length of 13 feet. Parking spaces required for the handicapped shall be 200 square feet with a width of 10 feet and a length of 20 feet.

V-3 Schedule of Off-Street Parking.

<u>Districts</u>	<u>Minimum Off-Street Parking Requirements</u>
R-20	Two (2) parking spaces per dwelling unit.
R-11	Two (2) parking spaces per dwelling unit.
R-M	Two (2) parking spaces per dwelling unit.
B-G	One (1) parking space for each one hundred (100) square feet of gross floor area or fraction thereof.
I-L	One (1) parking space for each one hundred (100) square feet of gross floor area or fraction thereof.

V-4 Special Exceptions. The following uses are controlled separately from the above district-wide off-street parking regulations.

- | | |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>V-4.1.</u> | For churches, high schools, college and university auditoriums, and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building. |
| <u>V-4.2.</u> | For hospitals, at least one (1) parking space for each two (2) bed capacity, including infants' cribs and children's beds. |
| <u>V-4.3.</u> | For medical and dental offices, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist in such offices in excess of three doctors or dentists. |

- V-4.4. For fraternal lodges, hunting clubs, golf courses, yacht clubs, country clubs, and marinas, at least twenty-five (25) parking spaces shall be provided. Additional parking may be required by the Zoning Administrator.
- V-4.5. For post offices at least one (1) for each fifty (50) box holders but not less than ten (10) spaces.
- V-4.6. For restaurants at least one (1) parking space per table or booth plus six (6) for employees.
- V-4.7. For motels, hotels, boarding houses, and bed and breakfast inns, one space per accommodation (unit) plus sufficient off-street parking for employees expected during any one shift.

V-5. Requirements for Handicapped Access.

<u>Total Parking Spaces in Lot</u>	<u>Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total

Parking spaces for handicapped persons shall have a minimum dimension of twelve by twenty feet and shall be clearly marked "Handicapped Parking Only."

Article VI - Nonconforming Uses

VI-1 Continuation.

VI-1.1. If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is being legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.

VI-1.2. If any change in title of possession or renewal of a lease of any such lot or

structure occurs, the use existing may be continued.

VI-1.3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

VI-1.4. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded from the provisions of this Article.

VI-1.5. Uses, structures, or activities which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment, may be continued. Any such future use, structure, or activity shall conform to the requirements of this ordinance or future amendment.

VI-2 Procedure.

VI-2.1. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Zoning Administrator and shall include for the purpose of proper enforcement of this Article, the following information:

- A. Name and address of applicant and property owner;
- B. Legal description of the property and type of proposed use and development;
- C. A sketch of the dimensions of the lot or parcel, location of buildings and proposed additions relative to the lot lines, and boundary of the Resource Management Area for any lot or parcel located within a Chesapeake Bay Preservation Area;
- D. Location and description of any existing private water supply or sewage system.

VI-2.2. A nonconforming use and development waiver shall become null and void twelve months from the date issued if no substantial work has commenced.

VI-3 Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

VI-4 Expansion or Enlargement.

VI-4.1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

VI-4.2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

VI-4.3. The Zoning Administrator may grant a nonconforming use and development waiver for structures on legal nonconforming lots or parcels in Chesapeake Bay Preservation Areas to provide for remodeling and alterations or additions to such nonconforming structures provided that:

- A. There will be no increase in nonpoint source pollution load.
- B. Any development or land disturbance exceeding an area of 2500 square feet complies with all erosion and sediment control requirements in Article III of this ordinance.

VI-5 Nonconforming Lots. Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used provided a showing of unnecessary and undue hardship would result if a variance is not granted by the Board of Zoning Appeals.

VI-6 Restoration or Replacement.

VI-6.1. If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

VI-6.2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

VI-6.3. When a conforming structure devoted to a nonconforming activity is damaged less than fifty percent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

VI-6.4. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

Article VII Administration and Enforcement

VII-1 Zoning Permits. No use of any real property within the corporate limits of the Town of Exmore shall take place nor shall any construction or excavation or grading therefor commence prior to the issuance of a zoning permit therefor by the Zoning Administrator. The zoning permit shall state that the proposed construction, use, or other activity is in accord with all provisions of this Zoning Ordinance. The Zoning Administrator may promulgate rules determining what information shall accompany each application for a permit herein.

VII-2 Commission Permits. No street, park or other public area, or public structure, or public utility, public building or public service corporation, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof. In connection with any such determination the Commission may, and at the direction of the Council shall, hold a public hearing, after notice as required by Section 15.1-431 of the Code of Virginia.

VII-3 Zoning Administrator. This ordinance shall be administered by the Zoning Administrator who shall be appointed by the Town Council and shall be assisted by such other persons as the Town Council may direct. The Zoning Administrator shall have all necessary authority to administer and enforce the provisions of this ordinance.

Along with his deputies and inspectors, the Zoning Administrator is hereby empowered to enter and go upon any private or public property in the Town for the purpose of inspecting for compliance with this ordinance and of administration and enforcement hereof, provided that any and all such entries shall be in accordance with the general requirements of due process and nothing herein shall authorize or purport to authorize any unlawful search or seizure.

VII-4 Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100) or imprisonment in the county jail for not more than thirty (30) days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and shall be enjoined to cease.

Article VIII Special Use Permits

VIII-1 Statement of Intent. It is recognized in this ordinance that certain uses are not necessarily incompatible with the uses traditionally associated with standard zoning districts, if the proper mitigating conditions are enacted along with the proposed use. Therefore, such uses have been designated as special uses, and have been included in Article III. Such uses are allowed in the associated districts upon the issuance of a Special Use Permit by the Exmore Town Council.

VIII-2 Procedure. An application for a special use permit may be submitted by the property owner, contract owner, or optionee of the property affected. Procedures for application and review shall be as follows:

- A. The applicant shall submit an application to the Zoning Administrator. Such application shall be accompanied by evidence that the specific criteria set forth in the ordinance for the special use requested will be met. Accompanying maps showing the site of the proposed use may be required.
- B. The Zoning Administrator shall review the application, visit the site, request additional information or review by other agencies, and formulate a recommendation to the Town Planning Commission.
- C. The Zoning Administrator will transmit the collected information and his recommendation to the Planning Commission. The Planning Commission shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, as amended, within thirty days of receipt of the Zoning Administrator's report. The Zoning Administrator's Report, a summary of the Planning Commission public hearing, and a recommendation from the Planning Commission, shall be transmitted to the Town Council by the Town Council's first meeting after the date public hearing is held.
- D. The Town Council shall hold a public hearing in accordance with Section 15.1-431 of the Code of Virginia, in order to receive public comment and to decide upon the Special Use Permit application. Such public hearing shall be scheduled to coincide with the regularly scheduled Town Council meeting that most closely follows the Council's receipt of the Special Use Permit application. If the requirement for proper notice for a public hearing makes such regularly scheduled Town Council meeting impractical, the public hearing shall be scheduled for the Town Council meeting one meeting hence from the meeting most closely following receipt of the application by the Town Council.

VIII-3 Conditions and Bonds. The Town Council may impose conditions, limitations, or other special requirements as it deems necessary to protect the public health, safety, and general welfare, such as, but not limited to, the following:

- A. Abatement or restriction of noise, smoke, dust, vibration, odors, wastes, or other elements that may affect surrounding properties.
- B. Establishment of setback, side, front, and rear yard requirements necessary for orderly expansion and for preventing traffic congestion.
- C. Provision for adequate parking and ingress and egress to public streets and roads necessary to prevent traffic congestion.
- D. Provision for adjoining property with a buffer or shield from view of the proposed use and/or structure.
- E. Establishment of a time limit for expiration after which the permit shall no longer be valid or shall require renewal.
- F. The Town Council may require a bond, in a reasonable amount determined by the Council, to be payable to the Zoning Administrator to insure compliance with the terms and conditions of any special use permit.
- G. After due consideration, the Town Council shall make a decision and promptly notify the applicant of its decision in writing, along with a justification for denial or special conditions.

VIII-4 Review Standards. The Zoning Administrator, Planning Commission, and Town Council shall consider the following in reviewing a special use application:

- A. The proposed use and/or structure appears on the official schedule of district regulations or elsewhere in this ordinance.
- B. The proposed use and/or structure complies with the regulations governing individual special uses.
- C. The proposed use and/or structure is consistent with the Town Plan.
- D. The proposed use and/or structure will not tend to change the character and established pattern of development of the district in which it will be located.
- E. The proposed use and/or structure, and accompanying parcel development, are in harmony with the uses permitted by right in the zoning district and with the intent of the zoning district regulations and will not adversely affect the use of neighboring property or impair the value thereof.

VIII-5 Effect of Approval. The issuance of a special use permit shall authorize the applicant to construct only such structure or conduct only such uses as are specifically made part of the special use permit. No deviations, expansion, or other changes whatsoever shall be made from

the term of the special use permit without the express written consent of the Town Council.

Article IX Provisions for Appeal

IX-1 Board of Zoning Appeals.

IX-1.1. A Board of Zoning Appeals, which shall consist of no more than seven (7) and no less than five (5) residents of the Town but shall always be an odd number, shall be appointed by the Circuit Court of Northampton County according to the provisions of the Code of Virginia, Section 15.1-494. Members of the Board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

IX-1.2. The term of office shall be for five (5) years, except that original appointments shall be made for such terms that the term of one member shall expire each year. Members of the board shall hold no other public office in the County or Town except that one may be a member of the local planning commission.

IX-1.3. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has a legal interest.

IX-1.4. The board shall choose annually its own chairman, vice-chairman, and secretary. The vice-chairman shall act in the absence of the chairman.

IX-2 Powers of the Board of Zoning Appeals. The Board of Zoning Appeals shall have the following powers and duties:

IX-2.1. To hear and decide appeals from any order, requirements, decision or determination made by an administrative officer or Zoning Administrator in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.

IX-2.2. To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of specific piece of

property at the time of the effective date of the ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds:

1. That the strict application of the ordinance would produce undue hardship; and
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

IX-2.3 Interpretation. The Board of Zoning Appeals shall have the authority to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Section 15.1-431 of the Code of Virginia, the board may interpret the map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The Board shall not have the power to change substantially the location of district boundaries as established by ordinance.

IX-3 Applications for Variances. Applications for variances may be made by any property owner, tenant, governmental official, department, board or bureau. Such applications shall be made to the Zoning Administrator in accordance with rules and regulations adopted by the Board.

The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the Board who shall place the matter on the docket to be acted upon by the Board. No such variances shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia. The Zoning Administrator shall also transmit a copy of the application to the Planning Commission which may send a recommendation to the Board or appear as a party at the hearing.

IX-4 Appeal to the Board of Zoning Appeals. An appeal to the board may be taken by any person aggrieved or by any office, department, board or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise, than by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown. No such appeal shall be heard until after notice and hearing as required by Section 15.1-431 of the Code of Virginia.

IX-4.1. Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual official, department or agency concerned, if any.

IX-5 Rules and Regulations.

IX-5.1. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

IX-5.2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

IX-5.3. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

IX-5.4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examination and other official actions, all of which shall be immediately filed in the Town Hall and shall be a public record.

IX-5.5. All meetings of the board shall be open to the public.

IX-5.6. A favorable vote of the majority of the board shall be necessary to reverse any

order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

IX-6 Public Hearing. The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of an administrative officer, or may decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or may effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the Town Hall and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

IX-7 Decision of the Board of Zoning Appeals.

IX-7.1. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the county or municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Town Hall.

IX-7.2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

IX-7.3. The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

IX-7.4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

IX-7.5. Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision from which appealed.

Article X Amendments

X-1 General Provisions. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:

X-1.1. The Planning Commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by law, and may make appropriate changes in the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.

X-1.2. Before approving and adopting any amendment, the governing body shall hold at least one (1) public hearing thereon, pursuant to public notice as required by law after which the governing body may make appropriate changes or corrections in the proposed amendments; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by law. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.

X-2 Effect of Repeal, Amendments, or Recodification of any Part of this Ordinance on prior Proceedings, Acts or Offenses. The repeal, amendment or recodification of any part of this ordinance shall not affect any act, or offense done or committed, or any penalty incurred, or any right established, accrued or accruing on or before the effective date of such repeal, amendment or recodification, nor enlarge any such right or privilege, except as specifically provided by such repeal, amendment or recodification. Neither shall the repeal, amendment or recodification of any part of this ordinance affect any proceeding, prosecution, suit or action which may be pending, said prior laws being continued in full force and effect for those purposes.

Article XI - Zoning Guidelines

XI-1 Statement of Intent. In the process of considering the rezoning of land it is the intent that in order to meet the test of reasonableness and the test of like - land treated alike, the following factors shall be considered before zoning for a particular category:

- A. Character of the area.
- B. Land use and activities.
- C. Suitability for proposed use.

- D. Availability of public facilities.
- E. Compliance with the Town of Exmore Comprehensive Plan.

XI-1.1 Supplemental Considerations and Regulations. Rapid development of employment, residential and commercial facilities in the Town of Exmore and the resulting impact on existing public facilities, highways and other necessary public facilities and services and natural resources could exceed the ability of the Town to provide for such facilities. Therefore, under authority of Article VIII of this ordinance and Section 15.1-491 of the Code of Virginia, as amended, the Exmore Town Council may impose conditions, including reasonable employment limitations, to ease the effect of rezoning land on the general public and on the natural resources of the Town.

XI-1.2 Conditions. In addition to the regulations herein provided for the respective zoning districts, the Town Council may adopt as a part of an amendment to the zoning map reasonable conditions provided that said conditions shall have been proffered in writing in advance of the public hearing on said amendment to the zoning map by the applicant for rezoning and provided that said conditions are accepted by the governing body as a condition to said amendment of the zoning map. Such accepted conditions shall be recorded in the records of the circuit court and run with the land until changed as a result of another rezoning approval or amended with the approval of the land owners and governing body.

XI-2 Conditional Zoning Procedure

- A. Upon the receipt by the Zoning Administrator of a rezoning petition, it shall be reviewed by the Zoning Administrator in accordance with the guidelines found in Section XII-1. The Zoning Administrator shall prepare a report for presentation to the Planning Commission. The report from the Zoning Administrator shall contain a recommendation on the reasonableness of the requested rezoning, with specific reasons provided for the recommendation.
- B. The Planning Commission, within thirty (30) days of receiving the Zoning Administrator's report, shall consider the Zoning Administrator's recommendations and discuss same with the applicant. The applicant shall be advised of the possibility of proffered conditions in a rezoning decision, which conditions are not meant to change the character of a fundamentally unsound rezoning, but are meant to be responsive to Town growth pressures not specifically foreseen in the existing district regulations.
- C. The Planning Commission shall forward the report of the Zoning Administrator, along with a report summarizing the content of the Planning Commission public hearing, to the Town Council.

- D. After the Town Council has received the reports from the Zoning Administrator and the Planning Commission, the applicant for the rezoning under consideration may proffer a set of conditions for consideration along with the rezoning. Such a proffer shall be addressed to the Mayor of the Town of Exmore.
- E. The Town Council shall hold a public hearing on the requested rezoning in accordance with 15.1-431 of the Code of Virginia, as amended. The rezoning request and the proffered condition shall be considered at this time.
- F. In the event that a request for rezoning is approved and the proffered conditions accepted, these same conditions shall be recorded in the Clerk of Circuit Court office as a lien on such property involved in the rezoning petition and shall run with the land until removed by the Town Council as a result of an amendment to the original application or as a result of a subsequent rezoning petition.

ARTICLE XII - Site Plan Requirements

XII-1 Statement of Intent. The purpose of these requirements is to promote the orderly development of certain activities in the Town and to insure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review a project's compatibility with its environment; to review the ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of a project's required community facilities; and to review the location and adequacy of a project's provision for drainage and utilities.

XII-2 Development or Land Use Requiring a Site Development Plan. A site development plan is required and shall be submitted for the following:

- A. Any development in which automobile parking space is to be used by more than one establishment.
- B. Any use or development in all zoning districts except single-family detached dwelling units where a plat is submitted pursuant to the Subdivision Ordinance of the Town of Exmore.
- C. When a change is proposed in a previously approved site development plan.
- D. When an existing residential use is proposed for change to a business, industrial, or multi-family residential use.
- E. All public and/or semi-public buildings.

- F. All other uses involving a structure required to be reviewed by the Town under Section 15.1-456 of the Code of Virginia, as amended.

XII-3 When Required. The provisions of this Article shall apply to any use as specified in the rules and regulations of each zoning district.

XII-4 Waiver of Requirements. Any requirement of this Article may be waived by the governing body where the waiver is not adverse to the purpose of this Article and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this Article, or that the requirement is unreasonable.

XII-5 Site Plan Specifications. Every site plan shall be prepared in accordance with the following specifications:

- A. The scale shall not be less than fifty (50) feet to one (1) inch.
- B. All site plans shall not exceed twenty-four inch (24") by thirty-six inch (36") sheets.
- C. If the site plan is prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.
- D. Horizontal dimensions shall be in feet and decimals of feet to the closest one tenth (1/10) of a foot.

XII-6 Site Plan Contents. The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Final site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the Commonwealth of Virginia within the limits of their respective licenses. The site plan shall include, but not be limited to, the following:

- A. The proposed title of the project and the names of the engineer, architect, landscape architect, surveyor, and/or developer; the name of the developer; and a signature panel for the Zoning Administrator's approval.
- B. The north point, scale, data, and vicinity map.
- C. Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.
- D. The present use of all contiguous or abutting property.
- E. The boundaries of the property involved by bearings and distances.

- F. All existing property lines, existing streets, buildings, watercourses, waterways, or lakes and other existing physical features in or adjoining properties, need only be shown in approximate scale and proportion.
- G. Topography of the project area with contour intervals of two (2) feet or less.
- H. The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures, all overhead utilities and their supporting poles in or affecting the project, including existing and proposed facilities and easements for these facilities.
- I. The location, dimensions, and character of construction of proposed streets, alleys, driveways, and the location, type, and size of ingress and egress to the site.
- J. When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred fifty (150) feet or the length of connections, whichever is the greater distance.
- K. The location of all existing and proposed off-street parking and parking bays, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.
- L. The location of all trees on the site with a diameter of six (6) inches or greater at the DBH (Diameter, Breast High). The site plan shall show heavily wooded areas and trees to be removed which shall be designated by symbols coincident with the areas of the trees; and an indication of which trees are to be retained and which are to be removed.
- M. The location, height, type, and material of all existing and proposed fences, walls, screening, plantings, and landscaping details of all buildings and grounds, and the location, height, and character of all outdoor lighting systems.
- N. The location of and proposed general use for each building, and the number, size, and type of dwelling units where applicable.
- O. Provisions for the adequate disposition of surface water in accordance with design criteria and construction standards of the Town indicating location, sizes, types, and grades of ditches, catch basins, and pipes and connection to existing drainage system.
- P. Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with the Northampton County Erosion and Sediment Control Ordinance.
- Q. Proposed finished grading by contour supplemented where necessary by spot evaluation.
- R. One hundred year floodplain limit studies as required by the administrator.

- S. The location, character, size, height, and orientation of proposed signs.
- T. The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.
- U. Any necessary notes required by the administrator to explain the purpose of specific items on the plan.
- V. The administrator may request additional information other than what has previously been stated when deemed necessary to protect the health, safety and general welfare of the citizens of the county.

XII-7 Improvements and Standards.

XII-7-1. The following improvements and minimum standards, as applicable, shall be required and provided for in a site development plan.

XII-7-2. All street and highway construction standards and geometric design standards shall be in accord with those specified by the Virginia Department of Transportation.

XII-7-3. The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to-and-from adjacent property and parking areas shall be not less than twenty (20) feet in width for two-way traffic and ten (10) feet for one-way traffic.

XII-7-4. Cul-de-sacs shall be designed and constructed in accordance with the street standards specified by the Virginia Department of Transportation, and may not be construed or employed in a parking area.

XII-7-5. Minimum utility easement width shall be twenty (20) feet unless specifically reduced as specified by the administrator. Where multiple structures or pipes are installed, the edge of the easement shall be five (5) feet clear of the outside pipes. Where easements do not follow the established lot lines, the nearest edge of any easement shall be a minimum of five (5) feet from any building.

XII-7-6. Sidewalks and pedestrian walkways shall be designed to enable patrons and tenants to walk safely and conveniently from one (1) building to another within the site and adjacent sites.

XII-7-7. All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.

XII-7-8. In order to preserve the character and natural environment and to provide visual and noise buffering, the administrator may refuse to approve any site plan which proposes

the unnecessary destruction of trees and other natural features. The governing body may require assurance that the developer has made reasonable effort in light of the proposed development to preserve, replenish, and protect trees of eight (8) inch diameter or larger at the DBH, ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation, utilities, or drainage; streams in their natural condition.

XII-8 Procedures

XII-8-1. Site plans may be approved administratively by the administrator after first distributing the plan to the various town, county and state departments for written comments.

XII-8-2. All applicants are encouraged to request a preapplication review conference. The purpose of the conference is to discuss the basic site plan, off-street parking, signs, and other Town ordinance requirements, utilities, and drainage and to consider preliminary features of the proposed development as they relate to this Article.

XII-8-3. Sufficient copies, as required by the administrator, of the final plan shall be submitted to the administrator. The administrator shall have up to thirty (30) days to circulate the plan to the Planning Commission for written comments, and to notify the applicant of the action taken which may be approved, approved subject to conditions, or disapproved.

XII-8-4. An applicant may appeal the decision of the administrator within thirty (30) days in writing to the Board of Zoning Appeals in accordance with Article X.

XII-9 Site Plan Termination or Extension

XII-9-1. An approved site plan shall expire and become null and void if no building permit has been obtained for the site in twelve (12) months after the final approval.

XII-9-2. The governing body may grant an extension of one (1) year.

XII-10 Amendments to Approved Site Plan. If it becomes necessary for an approved site plan to be changed, the administrator shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this Article.

XII-11 Site Plan Prerequisite to Issuance of Permits. No building permit shall be issued to construct, erect, or alter any building or structure or any permit or authorization granted to

improve or develop land subject to the provisions of this Article, unless a site development plan has been submitted and approved.

XII-12 Compliance with Approved Site Plan.

XII-12.1. Inspections shall be made during the installation of off-site and on-site improvements by the administrator or his designated representative in their areas of responsibility to insure compliance with the approved site plan.

XII-12.2. The owner or developer shall provide adequate supervision at the site during installation of improvements required by the site development plan and shall make one (1) set of approved plans available at the site at all times that work is being performed.

Article XIII. Supplemental District Regulations

XIII-1 Cluster Alternative Development.

- A. Cluster Alternative Objective - The objective of the "Cluster Alternative Residential Development" is flexibility with the objectives to (1) provide a more desirable living environment, (2) encourage creative approaches in residential development, (3) encourage a more efficient, aesthetic and desirable use of open area, (4) encourage variety in the physical development pattern of the County, (5) assist in reducing cost in residential development, and (6) maintain the agricultural resources in the County.
- B. Cluster Density and Intensity - Residential Cluster Alternative Development, under subdivision and site control may be permitted provided the gross population or housing density or intensity of an area remains unchanged and conforms to the basic overall density requirements of the zoning district in which the development is proposed. However, lot dimensions and area may be reduced to the minimums indicated in Section XIII-C herein.
- C. Zoning District Permitting Cluster Alternative Development - Residential minimum lot sizes in the A-1, R-20 and R-11 zoning districts may be reduced in area in the following manner:

Minimum Lot Area Under Cluster Development

District	Standard Lot Area	With Public Sewer & Water	With Public Sewer or Water But Not Both	Individual Septic Tank Water Systems
A/R	5 acres	2 acres	3 acres	5 acres
R-20	20,000 sq.ft.	13,000 sq.ft.	15,000 sq.ft.	20,000 sq.ft.
R-11	11,000 sq.ft.	8,000 sq.ft.	Not Permitted	Not Permitted

D. Disposition of Land Gained.

(1) Except as provided by Subsection XIII-D.(2) herein, all land gained with a cluster alternative subdivision, through reduction of lot size below minimum ordinance requirements shall be dedicated to the County for open space for parks, recreation or related uses; or deeded to a home owner association within the proposed development for maintenance and operation. In the case where the gained land is deeded to a home owner association, the applicant shall furnish a proposed deed of dedication, including restrictions, safeguarding the use of open spaces and preventing encroachment upon open space between structures.

(2) Streets within the Cluster Alternative Development may be included in the land gained through reduction.

XIII-2. Requirements for Condominiums.

- A. Definitions: For purposes of this section, the meaning of all terms shall be controlled by Section 55-79.41 of the Code of Virginia.
- B. Where Permitted: Condominiums shall be permitted in all zones in which is permitted any physically identical development, provided that site plan approval shall be required for any condominium development.
- C. Compliance with Ordinance: All condominiums and the use thereof shall in all respects comply with the provisions of this ordinance and its districts, and no vested rights shall be created upon the conversion to condominiums of the use thereof if either the condominium or the use thereof does not conform to the provisions of this ordinance. Except as otherwise specified, provisions of this ordinance applicable to condominiums shall be those provisions applicable to physically identical developments.

XIV. Fee Schedule

Zoning Ordinance (copy)	\$ 5.00
Zoning Permit	\$ 10.00
Special Use Permit	\$ 75.00
Variance	\$ 75.00
Rezoning	\$300.00
Water Quality Impact Assessment Review	\$ 30.00

ALL FEES ARE NON-REFUNDABLE

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